

**FILED**  
July 22, 2005

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-50021

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Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JOSE HUMBERTO CAMPA-FAVELA also known as, Carlos  
Fabela-DeLeon

Defendant - Appellant

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Appeal from the United States District Court for the  
Western District of Texas, El Paso  
3:04-CR-1902-ALL-FM  
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Before JOLLY, DAVIS, and OWEN, Circuit Judges.

PER CURIAM:\*

IT IS ORDERED that appellee's unopposed motion to vacate sentence is GRANTED.

IT IS FURTHER ORDERED that appellee's unopposed motion to remand to district court for resentencing in light of the Supreme Court's opinion in *USA v. Booker* and this court's opinion in *USA v. Mares* is GRANTED.

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\*Pursuant to 5<sup>TH</sup> CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.

IT IS FURTHER ORDERED that appellee's alternative unopposed motion for extension of time for a period of fourteen (14) days from the court's denial of appellee's motion to vacate and remand is MOOT.